

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 6, 2005**

DIVISION ONE

B176312     Daniel Lutynski                      (Not for Publication)  
              v.  
              Russell K. Silverling et al.

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur:    Spencer, P.J.  
                      Mallano, J.

B179394     ABCO Leasing, Inc.                      (Not for Publication)  
              v.  
              Erland M. Olson et al.,  
              Mary Olson

The judgment of the superior court is reversed with directions to enter judgment denying Mary's third-party claim. Appellant shall recover its costs on appeal.

Rothschild, J.

We concur:    Spencer, P.J.  
                      Mallano, J.

DIVISION THREE

B179158 People (Not for Publication)  
v.  
Davis

The order denying Davis's petition for writ of error coram nobis is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B177541      Stockton-Randoph                      (Not for Publication)  
                 v.  
                 Duncan

The judgment is affirmed. Defendant shall recover his costs on appeal.

Willhite, J.

We concur:   Hastings, Acting P.J.  
                 Curry, J.

B177739      Engelman et al.                              (Not for Publication)  
                 v.  
                 Accomando

The judgment is affirmed. Respondent shall have his costs on appeal.

Hastings, Acting P.J.

We concur:   Curry, J.  
                 Willhite, J.

B175020      Underwood et al.                              (Certified for Publication)  
                 v.  
                 Corsino et al.

The judgment is reversed and the matter is remanded to the trial court with directions to vacate that portion of the judgment abating rental payments from and after August 11, 2003. The judgment is otherwise affirmed. Costs on appeal are awarded to appellants.

Hastings, Acting P.J.

We concur:   Curry, J.  
                 Willhite, J.

October 6, 2005 (Continued)

DIVISION FOUR (Continued)

B177660 People (Not for Publication)  
v.  
Holmes

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

B181619      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Lauren A.

The order terminating appellant's parental rights is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Willhite, J.

B180031 People (Not for Publication)  
v.  
Marin

The judgment is affirmed.

Epstein, P.J.

We concur: Curry, J.  
Willhite, J.

DIVISION FOUR (Continued)

B178536 People (Not for Publication)  
v.  
Atencio

The judgment is affirmed.

Willhite, J.

We concur:   Hastings, Acting P.J.  
                    Curry, J.

[illegible]

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.  
Willhite, J.

[illegible]

The appeal is dismissed.

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION FOUR (Continued)

[illegible]

The judgment is modified by striking the one-year enhancement of Penal Code section 667.5, subdivision (b), based on the 2001 conviction for a violation of Health and Safety Code section 11352, subdivision (a) (case No. BA208940); and by striking the 10-year enhancement imposed pursuant to section 186.22, subdivision (b)(1)(C). As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with the disposition of the two enhancements, and to forward a copy of said amended abstract of judgment to the Department of Corrections.

Hastings, Acting P.J.

We concur: Curry, J.  
Willhite, J.

B175753 People (Not for Publication)  
v.  
Cooke

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

B178307 People  
v.  
Peters

Filed order denying petition for rehearing.

DIVISION FIVE

B171789 Isabel Quintanilla et al  
v.  
Daniel Dunkelman et al

Filed order certifying opinion for partial publication.

B177847 People (Not for Publication)  
v.  
Josiah E. Smith

The matter is remanded to allow the trial court after issuance of the remittitur to reconsider its findings relative to the sentences imposed as to counts 1 and 2 and either clarify or modify those findings as discussed in the body of the opinion. Further, the trial court is to select a specific term to impose a sentence as to count 3 and then stay that sentence pursuant to Penal Code section 654, subdivision (a). Upon resentencing, the clerk of the superior court is directed to forward a copy of the amended abstract of the judgment to the California Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

B184320 PC Services  
v.  
United Parcel Service

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed July 1, 2005) dismissed.

## DIVISION SIX

B179237 Medical Staff of Doctors Medical Center in Modesto, et al.  
v.  
Ivan Jeffery Kamil, et al.

Filed order modifying opinion. Petition for rehearing and request for depublication are denied. (No change in the judgment)

## DIVISION EIGHT

B174674      Transcas Property Owners Association  
v.  
City Of Malibu  
Trancas-PCH, LLC,

Filed order modifying opinion. (No change in the judgment)

B183746      L.G. et al.,      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles Department Of Children & Family Services, r.p.i.)

The writ petitions are denied on the merits. This opinion is final forthwith as to this court. (Cal. Rules of Court, rule 24(b)(3).)

Cooper, P.J.

We concur: Boland, J.  
Flier, J.



DIVISION EIGHT (Continued)

B173149 People (Not for Publication)  
v.  
Magana

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B183417      Diane Russomanno et al.,      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Randy Green et al., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate its April 27, 2005 order denying petitioners' motion to withdraw or set aside admissions 5 and 14 through 20, and to thereafter enter a new and different order granting the motion on terms and conditions that may be warranted. (See former subd. (m), currently § 2033.300, subd. (c).) Petitioners are entitled to recover their costs in this writ proceeding. (Cal. Rules of Court, rule 56 (l) (1).)

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

DIVISION EIGHT (Continued)

B181214      Suad Salim Rayyis                      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(The People, r.p.i.)

The petition for writ of prohibition is granted in part. Let a peremptory writ of prohibition issued directing the respondent court to vacate its February 9, 2005 order denying petitioner's motion under Penal Code section 995 to the extent it sought to set aside counts 6 through 18 of the information, and to thereafter enter a new and different order granting the motion to that extent. In all other respects, the petition is denied.

Cooper, P.J.

We concur:    Rubin, J.  
                     Flier, J.

B181572      People    (Not for Publication)

v.

Miller

The judgment is affirmed.

Cooper, P.J.

We concur:    Boland, J.  
                     Flier, J.